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*Plaintiff in Pro Se*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

JOSEPH P. CUVIELLO and DENIZ  
BOLBOL, individually,

Plaintiffs

v.

ROWELL RANCH RODEO, INC., et al.,

Defendants

Case No. 3:23-cv-01652-VC

**JOINT PRETRIAL CONFERENCE  
STATEMENT**

Trial date: October 21, 2024  
Time: 10:00 a.m.  
Judge: Hon. Vince Chhabria  
Courtroom: 5, 17th Floor

**I. Preliminary Statement**

Plaintiffs have settled their claims against Rowell Ranch Rodeo, Inc., Dkt. 132, and expect to file concluding documents within thirty days of their filed notice of settlement. Accordingly, this Pre-Trial Conference Statement omits references and descriptions of claims and evidence related to Plaintiffs' claims against Rowell Ranch Rodeo, Inc.

**II. Description of Claims and Defenses**

**A. Plaintiffs' Claims**

Plaintiff Bolbol and Plaintiff Cuiello each claim that Defendants Alameda County, by and through Alameda County Sheriff Deputy Joshua Mayfield, violated the California Bane Act by interfering with or attempting to interfere with the exercise and enjoyment of their free speech right to pass out leaflets at the Rowell Ranch Rodeo Park on May 20, 2022, through threats, intimidation, or coercion. *See* California Civil Code, § 52.1 (protecting free speech rights secured by Cal. Const. Art. I, § 2(a) and U.S. Const. Amend. 1).

Plaintiff Bolbol and Plaintiff Cuiello each claim that Defendants Hayward Area Recreation and Park District and HARD Public Safety Manager Kevin Hart, violated the California Bane Act by interfering with or attempting to interfere with the exercise and enjoyment of their free speech right to pass out leaflets at the Rowell Ranch Rodeo Park on May 20, 2022, through threats, intimidation, or coercion. *See* California Civil Code, § 52.1 (protecting free speech rights secured by Cal. Const. Art. I, § 2(a) and U.S. Const. Amend. 1).

**B. Defendants' Defenses**

**1. Defendants Alameda County and Deputy Joshua Mayfield**

Defendants Alameda County and Deputy Mayfield contend that the statements by Deputy Mayfield did not constitute threats, intimidation, or coercion. Further, Deputy Mayfield did not intentionally interfere or attempt to interfere with Plaintiffs' First Amendment rights. Moreover, Plaintiffs did not reasonably believe that if each exercised their First Amendment rights that Deputy Mayfield would arrest them or commit violence against them.

1                                   **2. HARD and Kevin Hart**

2           Defendants HARD and Mr. Hart contend that the statements by Mr. Hart did not constitute  
3 threats, intimidation, or coercion. Further, Mr. Hart did not intentionally interfere or attempt to  
4 interfere with Plaintiffs' First Amendment rights. Moreover, Plaintiffs did not reasonably believe  
5 that if each exercised their First Amendment rights that Mr. Hart would arrest them or commit  
6 violence against them. Additionally, neither Plaintiff believed that Mr. Hart had the apparent ability  
7 to carry out the threats. Finally, Mr. Hart and Deputy Mayfield had no conspiracy or plan to  
8 threaten to arrest Plaintiffs.

9                                   **III. Statement of Relief Sought**

10                                  **A. Issues for the Court**

11           Plaintiffs seek minimum statutory damages under Civil Code 52(a) in the amount of \$4,000  
12 per violation of the Bane Act. Because Plaintiffs seek minimum statutory damages, this issue is for  
13 the Court. In total, Plaintiff Bolbol seeks \$4,000 in minimum statutory damages from Defendants  
14 Alameda County/Deputy Joshua Mayfield and \$4,000 in minimum statutory damages from  
15 Defendants HARD/Manager Hart. Plaintiff CuvIELLO seeks \$4,000 in minimum statutory damages  
16 from Defendants Alameda County/Deputy Joshua Mayfield and \$4,000 in minimum statutory  
17 damages from Defendants HARD/Manager Hart.

18                                  **B. Issues for the Jury**

19           Plaintiffs seek findings of liability for claimed violations of the Bane Act.

20           The Court entered summary judgment denying Plaintiffs' requests for injunctive relief,  
21 statutory civil penalties, treble damages, and punitive damages. Dkt. 129. Accordingly, no remedial  
22 issues remain for the jury.

23                                  **IV. Statement of Relevant Stipulated or Undisputed Facts**

24           1.       On May 20, 2022, Plaintiffs had a free speech right protected by the First  
25 Amendment to the United States Constitution and California Constitution to pass out leaflets to  
26 rodeo patrons outside the designated "free speech area" at the Rowell Ranch Rodeo Park.  
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2. Roadways inside the Rowell Ranch Rodeo Park are used for pedestrian traffic and by rodeo and emergency vehicles.

3. Upon arrival at the Rodeo Park on May 20, 2022, Defendant Deputy Mayfield greeted and hugged a rodeo patron or representative.

4. Defendant Hart told Plaintiffs that failure to move to the free speech area “will not be good.”

5. Plaintiff CuvIELLO asked Defendant Hart what would happen if they did not move to the free speech area, and Defendant Hart replied, “You’ll just have to figure that out when it happens.”

6. Plaintiff CuvIELLO told Defendant Hart, “You need to tell us now,” and Defendant Hart replied, “I don’t have any responsibility to tell you that sir.”

7. Plaintiff CuvIELLO told Defendant Deputy Mayfield he needed to call his watch commander, and Defendant Joshua Mayfield called his Sergeant On Duty.

## **V. List of Witnesses**

### **A. Plaintiffs**

Plaintiffs intend to call the following witnesses as part of their case in chief:

1. **Deniz Bolbol:** Plaintiff Bolbol will describe the events of May 20, 2022, including the reasons she felt threatened with arrest due to Defendants’ acts, verbal communication, and nonverbal communication. Plaintiffs expect that her direct testimony will take one hour.

2. **Joseph P. CuvIELLO:** Plaintiff CuvIELLO will describe the events of May 20, 2022, including the reasons he felt threatened with arrest due to Defendants’ acts, verbal communication, and nonverbal communication. Plaintiffs expect that his direct testimony will take two hours.

3. **Robyn Kirk:** Ms. Kirk will describe the events of May 20, 2022, including whether she felt threatened with arrest due to Defendants’ acts, verbal communication, and nonverbal communication. Plaintiffs expect that her direct testimony will take fifteen minutes to one-half hour.

1           4.       **Michael Sage:** Mr. Sage will describe the events of May 20, 2022, including whether  
2 she felt threatened with arrest due to Defendants' acts, verbal communication, and nonverbal  
3 communication. Plaintiffs expect that his direct testimony will take fifteen minutes to one-half hour.

4           5.       **Joshua Mayfield:** Deputy Joshua Mayfield is a defendant in this action, but he will  
5 be presented as an adverse witness in Plaintiffs' case-in-chief. Plaintiffs expect that his direct  
6 testimony will take one hour.

7           6.       **Matthew Laszuk:** Deputy Matthew Laszuk is a law enforcement officer with the  
8 Alameda County Sheriff's Office, a defendant in this action. He witnessed the events of May 20,  
9 2022. Plaintiffs expect that his testimony will take less than one hour.

10          7.       **Christian Campbell:** Deputy Christian Campbell is a law enforcement officer with  
11 the Alameda County Sheriff's Office, a defendant in this action. He witnessed the events of May 20,  
12 2022. Plaintiffs expect that his testimony will take less than one hour.

13          8.       **Sowmya Ramadas:** Deputy Sowmya Ramadas is a law enforcement officer with the  
14 Alameda County Sheriff's Office, a defendant in this action. She witnessed the events of May 20,  
15 2022. Plaintiffs expect that her testimony will take less than one hour.

16          9.       **Colby Staysa:** Deputy Colby Staysa is a law enforcement officer with the Alameda  
17 County Sheriff's Office, a defendant in this action. He coordinated with Rowell Ranch Rodeo, Inc.  
18 to provide for the Sheriff's Office's presence at the rodeo on May 20, 2022.

19          10.       **Russell Fields:** Russell Fields is the president of Rowell Ranch Rodeo, Inc. He will  
20 testify about his company's lease agreement with HARD, its decision to designate a free speech area,  
21 and the events of May 20, 2022.

22          11.       **Gary Houts:** Gary Houts is a volunteer and agent of Rowell Ranch Rodeo, Inc. He  
23 called law enforcement on May 20, 2022, to request their presence at the rodeo park and discussed  
24 Plaintiffs' free speech activities with Deputy Mayfield and Kevin Hart that day.

25          12.       **Kevin Hart:** Kevin Hart is a defendant in this action, but he will be presented as an  
26 adverse witness in Plaintiffs' case-in-chief. Plaintiff expects that his direct testimony will take one  
27 hour.  
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**B. Defendants Alameda County and Deputy Mayfield**

1. **Joshua Mayfield:** Deputy Joshua Mayfield will describe the events of the evening of May 20, 2022, including: why he was at the rodeo; why he interacted with plaintiffs; what and why he said what he did to plaintiffs; what he said to Sergeant Gomez during his phone call with him that evening; and what was said during his interactions with the Rowell Ranch and HARD representatives that evening. Defendant County expects that his re-direct testimony will take approximately three hours.

2. **Matthew Laszuk:** Deputy Matthew Laszuk is a law enforcement officer with the Alameda County Sheriff's Office. He witnessed the events of May 20, 2022. Defendant County expects that his re-direct will take less than one hour.

3. **Christian Campbell:** Deputy Christian Campbell is a law enforcement officer with the Alameda County Sheriff's Office. He witnessed the events of May 20, 2022. Defendant County expects that his re-direct will take less than one hour.

4. **Sowmya Ramadas:** Deputy Sowmya Ramadas is a law enforcement officer with the Alameda County Sheriff's Office. She witnessed the events of May 20, 2022. Defendant County expects that her re-direct will take less than one hour.

5. **Sergeant Moises Gomez:** Sergeant Moises Gomez is a law enforcement officer with the Alameda County Sheriff's Office. He spoke with Deputy Mayfield on the evening of May 20, 2022 and will testify about that conversation. Defendant County expects that his testimony will take less than one hour.

6. **Asst. Sheriff Colby Staysa.** Asst. Sheriff Staysa is a law enforcement officer with the Alameda County Sheriff's Office. He interacted over the years with Rowell Ranch Rodeo regarding the annual rodeo, including the provision of a law enforcement presence at the rodeo.

7. **James Dudley, Cap.:** Cap. Dudley is a retained expert in this matter, who will provide opinion testimony about the relevant law enforcement standards and whether Deputy Mayfield complied with those standards and a law enforcement officers obligations with regards to informing

1 individuals about potential or actual arrest. Defendant County expects that his testimony will take  
2 approximately two hours.

3  
4 **C. Defendants HARD/Kevin Hart**

5 1. **James Wheeler** – General Counsel, HARD. Mr. Wheeler is the general counsel for  
6 HARD and will be presented as a witness with knowledge of the responsibilities of Mr. Hart generally  
7 and his responsibilities on the day of the incident as well as the responsibilities of Rowell Ranch  
8 Rodeo.

9 2. **Natalie Wong** – Human Resources Manager, HARD. Ms. Wong is the Human  
10 Resources Manager at HARD and will be presented as a witness with knowledge of the  
11 responsibilities of Mr. Hart generally and on the day of the incident as well as the responsibilities of  
12 Rowell Ranch Rodeo.

13 3. **Deputy Mayfield** is a Defendant in this action. Testimony will center on Plaintiffs'  
14 allegations and the day of the incident including interactions with Plaintiffs.

15 4. **Kevin Hart** is a Defendant in this action. Testimony will center on Plaintiffs'  
16 allegations and the day of the incident including interactions with Plaintiffs.

17 5. **Jim Dudley** – Police Practices Expert - Cap Dudley is a retained expert in this matter,  
18 who will provide opinion testimony about the relevant law enforcement standards and whether  
19 Deputy Mayfield complied with those standards and a law enforcement officers obligations with  
20 regards to informing individuals about potential or actual arrest. Defendant County expects that his  
21 testimony will take about two hours.

22 **VI. Estimate of Total Length of Trial**

23 8. The parties estimate that the trial will take three to four days.  
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Respectfully submitted,

DATED: September 24th, 2024

/s/ Jessica L. Blome

Jessica Blome

Lily A. Rivo

GREENFIRE LAW, PC

*Attorney for Plaintiff Deniz Bolbol*

DATED: September 24th, 2024

Joseph P. CuvIELLO

JOSEPH P. CUVIELLO

*Plaintiff In Pro Se*

### CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of September 2024 the foregoing was served on all parties through the Court's electronic filing, CM/ECF system in accordance with Rule 5 of the Federal Rules of Civil Procedure.

By: /s/ Jessica San Luis

Jessica San Luis

GREENFIRE LAW, P.C.